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August 14, 2023

**BY ECF**

Honorable Ramon E. Reyes, Jr.  
United States Magistrate Judge  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201

Re: Acosta, et al. v. City of New York, et al.,  
22-CV-00576 (FB) (RER)

Your Honor:

I am a Senior Counsel in the Office of the Honorable Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York, and the attorney representing defendants City of New York, and New York City Police Department Police Officers Ramos, Schmidt, Holguin, O'Connor, Lopez, Feliciano, Green, Barias, Spalding, Lugo, and Nowacki in the above-referenced matter. Defendants write to respectfully request an additional fourteen (14) day enlargement of time, until August 28, 2023, for all recently served defendants to respond to the First Amended Complaint together. Plaintiff's counsel, Jessica Massimi, Esq., does not consent to this request.<sup>1</sup>

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<sup>1</sup> Plaintiffs respectfully request that the Court deny the City's request because defense counsel makes this request on behalf of Defendants he has not even spoken to. As such, his request is improper. Plaintiffs offered to agree to the extension in exchange for the Defendants' agreement that they would not dispute proper service of the summons and complaint for those Defendants the City is currently in communication with. Defense counsel responded that he would not stipulate that service was proper for any Defendant at this time. As such, Plaintiffs do not agree to Defendants' request.

By way of background, on June 14, 2023, in addition to defendants City, Schmidt, Ramos, O'Connor, and Holguin, who were named in the original complaint, Plaintiff amended the complaint to add Police Officers Jason Lopez, Orvin Feliciano, Frank Green, Kristopher Erickson, Joseph Spalding, David Vasquez, Hector Barias, Sylwia Nowacki, and Ivan Lugo as defendants in this action.

To date, this office has resolved representation with respect to all recently served defendants except defendant Vasquez whom, upon information and belief, recently retired from the NYPD<sup>2</sup>. The undersigned has been making diligent good faith efforts to resolve representation with defendant Vasquez but has not yet been able to do so. It is therefore respectfully requested that the Court enlarge the time, until August 28, 2023, for all defendants to respond to the First Amended Complaint.

Defendants thank the Court for its consideration of this request.

Respectfully submitted,

By: Michael Pesin-Virovets  
Michael Pesin-Virovets  
*Senior Counsel*

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<sup>2</sup> Defendant Erickson's representation has also not yet been resolved due to his military deployment. On August 1, 2023, the Court granted a temporary stay, until October 12, 2023, as to defendant Erickson because he is currently on military leave with the United States Air Force.

cc: **By ECF**

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